

PROCESS RECEIPT AND RETURN

See instructions for "Service of Process by U.S. Marshal"

PLAINTIFF <b>UNITED STATES OF AMERICA</b>	COURT CASE NUMBER <b>CIVIL NO. 97-1548 (HL)</b>
DEFENDANT <b>RAMONITA ENCHAUTEGUI ROMAN, ET AL</b>	TYPE OF PROCESS <b>WRIT OF EXECUTION</b>

**SERVE AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
**MARSHAL, SUPERIOR COURT**  
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
**GUAYAMA PART, GUAYAMA, PR**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

**JOSE M. PIZARRO ZAYAS**  
Assistant U.S. Attorney  
Torre Chardón, Suite 1201  
350 Carlos E. Chardón Street  
Hato Rey, PR 00918  
Attn: Foreclosure Unit/GGB/RLP  
Claim No. 2004v00464

Number of process to be served with this Form 285

Number of parties to be served in this case

Check for service on U.S.A.

RECEIVED AND FILED  
2006 SEP - 1 AM 10:24  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, PR

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

**PLEASE EXECUTE WRIT OF EXECUTION AND CONDUCT JUDICIAL SALE AS MANDATED IN THE WRIT. EXECUTE AT ADDRESS INDICATED ABOVE.**

Signature of Attorney, other Originator, requesting service on behalf of:

**JOSE M. PIZARRO ZAYAS**

☒ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

**(787) 766-5656**

**5/12/06**

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated.  
(Sign only for USM 285 if more than one USM 285 is submitted)

Total Process

**1**

District of Origin

No. **69**

District to Serve

No. **69**

Signature of Authorized USMS Deputy or Clerk

**P.S. [Signature]**

Date

**5-24-06**

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date

Time

☒ am  
☐ pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal\* or (Amount of Refund\*)

REMARKS:

**7-11-06 Sale was cancelled as per USAO request. [Signature]**

PRIOR EDITIONS MAY BE USED

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

FORM USM-285  
Rev. 12/15/80  
Automated 01/00

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Rural Development)  
Plaintiff

v.

RAMONITA ENCHAUTEGUI ROMAN a/k/a  
RAMONITA INCHAUTEGUI ROMAN  
Defendant

CIVIL NO. 97-1548 (HL)

FORECLOSURE OF MORTGAGE

MOTION TO SET ASIDE FUTURE SALES

TO THE HONORABLE COURT:

COMES NOW the United States of America, through its undersigned attorneys, and most respectfully notifies this Honorable Court as follows:

1. In the instant case, a public sale was set by the Marshal of this Court to be held on July 6, 2006 at 11:00 A.M.

2. That today prior to the commencement of the public sale, we received notification that defendants had filed Bankruptcy proceedings, case number B06-02008 (SEK).

2. That immediately, the U.S. Marshal Service was notified and the public sale was cancelled.

3. That there are two(2) other scheduled sales pending, scheduled for July 13, 2006 and July 20, 2006, and plaintiff requests that they be set aside.

**WHEREFORE**, the United States of America, respectfully requests that the judicial sales scheduled for July 13, 2006 and July 20, 2006, be set aside and the U.S. Marshal be notified of this Honorable Court's Order.

United States v. Ramonita Enchautegui Roman  
Civil no. 97-1548 (HL)  
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I hereby certify that on 11<sup>th</sup> day of June, 2006, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Ramonita Enchautegui Roman, Urb. Arboleda 220 Street 24, Salinas, Puerto Rico 00751 and to Carlos Francisco Garcia Enchautegui, Esq. Calle Hostos No. 41 Norte, Guayama, Puerto Rico 00784.

In San Juan, Puerto Rico, this 11<sup>th</sup> day of July, 2006.

ROSA EMILIA RODRÍGUEZ-VELEZ  
United States Attorney

s/LISA E. BHATIA GAUTIER  
LISA E. BHATIA GAUTIER - USDC 206014  
Assistant U.S. Attorney  
Torre Chardón Suite 1201  
350 Carlos Chardon Street  
San Juan, Puerto Rico 00918  
Tel. (787) 766-5656  
Fax. (787) 766-6219  
Lisa.Bhatia@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CIVIL NO: 97-1548 (HL)

UNITED STATES OF AMERICA

VS.

RAMONITA ENCHAUTEGUI ROMAN A/K/A RAMONITA INCHAUTEGUI ROMAN  
FORECLOSURE OF MORTGAGE

**AFFIDAVIT**

I, Marilisa Román, of legal age, married, employee and resident of Bayamón, Puerto Rico, do solemnly swear:

That my name is the above mentioned and my personal circumstances are those as stated. That I am an Employee, of "EL NUEVO DIA", newspaper of General Circulation in the Island of Puerto Rico, and that position in Advertising and Legal Notice Department Supervisor and I am in charge of the advertisement.

I also declare that in the edition of this newspaper corresponding

MAY 31 & JUNE 7, 14 & 21, 2006

an advertisement was published that deals with the following:

HERMAN J. WIRSHING, UNITED STATES MARSHAL

In witness whereof and upon request of those concerned, I swear to and sign the present in Guaynabo, P.R. this  
day of JUN 23 2006, 20\_\_.

Affidavit No. 56, 318

Marilisa Román

Acknowledged and sworn to before me by Marilisa Román and resident of Bayamón,  
Puerto Rico, whom I know personally.

RECEIVED  
UNITED STATES  
MARSHAL  
JUN 30 2 51 PM '06  
DISTRICT OF  
PUERTO RICO



Guaynabo, P.R.

JUN 23 2006

20\_\_

[Signature]  
NOTARY PUBLIC

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Rural Development )

Plaintiff

v.

RAMONITA ENCHAUTEGUI ROMAN a/k/a  
RAMONITA INCHAUTEGUI ROMAN

Defendant

CIVIL NO. 97-1548 (HL)

FORECLOSURE OF MORTGAGE

NOTICE OF SALE

To: **RAMONITA ENCHAUTEGUI ROMAN A/K/A RAMONITA INCHAUTEGUI ROMAN**,  
and any other party with interest over the property mentioned  
below.

WHEREAS: Judgment in favor of the United States of America was entered for the principal aggregate amount of \$25,007.65 plus \$16,591.80 in interest accrued as of June 15, 2004, plus \$7.66 per day from then on until payment in full, plus \$39,643.24 Subsidy Recapture, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed.

The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico.

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WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendants will be sold at public auction:

"URBANA: Solar radicado en la URBANIZACION LA ARBOLEDA, situada en el Barrio Pueblo, del término municipal de Salinas, Puerto Rico, que se describe en el plano de inscripción de la urbanización con el número, área y colindancias que se relacionan a continuación:

SOLAR NUMERO: DOSCIENTOS VEINTE (20)

AREA DEL SOLAR: TRESCIENTOS VEINTINUEVE PUNTO CINCUENTA Y NUEVE METROS CUADRADOS (329.59 m/c)

EN LINDES: Por el NORTE, en veintitrés (23.00) metros con el solar Doscientos veintiuno (221) de esta urbanización; por el SUR, en veintitré (23.00) metros con el solar Doscientos diecinueve (219) de esta urbanización; por el ESTE, en Catorce punto Treinta y tres (14.33) metros, con los solares Doscientos treinta y cuatro (234) y Doscientos treinta y cinco (235) de esta urbanización; por el OESTE, en Catorce punto Treinta y tres (14.33) metros con la Calle Veinticuatro (24) de esta urbanización.

El inmueble antes descrito contiene una casa de vivienda de hormigón y bloques de hormigón de una sola planta con marquesina y balcón modelo sencillo construido de acuerdo con los planos y especificaciones aprobados por la Administración de Hogares de Agricultores del Departamento de Agricultura Federal, otras agencias gubernamentales y el COMPRADOR".

Plaintiff's mortgage was recorded at page 21, volume 171 of Salinas, property number 6217, first inscription, at the Registry

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of the Property of Guayama, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens: None

Other Liens:

Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be \$37,300.00 for the first mortgage and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

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WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the United States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will, on the 6<sup>TH</sup> day of **July, 2006** at **11:00 AM** of said day, in the Office of the Marshal for the Superior Court of Puerto Rico, Guayama Part, located at Centro Judicial, Centro Judicial, Ave. Jose Torres, Guayama, Puerto Rico, Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment.

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 13<sup>th</sup> day of **July, 2006** at **11:00 AM** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 20<sup>th</sup> day of



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**July, 2006 at 11:00 AM** of said day, in the Office of the Marshal of  
this Court located at the address indicated above.

In San Juan, Puerto Rico, this *24<sup>th</sup>* day of *May*, 2006.

HERMAN J. WIRSHING  
United States Marshal

By:

  
Roberto Schmidt  
Legal Technician

*Aussg Shatin*

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Rural Development )

Plaintiff

v.

RAMONITA ENCHAUTEGUI ROMAN a/k/a  
RAMONITA INCHAUTEGUI ROMAN

Defendant

CIVIL NO. 97-1548 (HL)

FORECLOSURE OF MORTGAGE

WRIT OF EXECUTION OF JUDGMENT

TO THE MARSHAL OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

GREETINGS:

WHEREAS, the Honorable Hector M. Laffitte United  
States District Judge, has issued a new order in this case dated  
March 17, 2006 which copied literally, reads as follows:

"NEW ORDER FOR EXECUTION OF JUDGMENT

Upon motion filed by plaintiff herein, and it appearing from  
the records of this Court in the above mentioned case that the  
defendant referred to in the judgment entered by this Court was  
duly summoned and said defendant has failed to pay to the plaintiff  
the sums of money adjudged to be paid under said judgment:

And it appearing further that more than ten (10) days have  
elapsed from the entry of Judgment:

NOW, THEREFORE, the Court hereby orders the United States  
Marshal for this District to proceed forthwith and to sell at  
public auction to the highest bidder, the property referred to in  
said judgment and described herein below in the manner and form  
provided in said judgment and as herein further provided:

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"URBANA: Solar radicado en la URBANIZACION LA ARBOLEDA, situada en el Barrio Pueblo, del término municipal de Salinas, Puerto Rico, que se describe en el plano de inscripción de la urbanización con el número, área y colindancias que se relacionan a continuación:

SOLAR NUMERO: DOSCIENTOS VEINTE (20)

AREA DEL SOLAR: TRESCIENTOS VEINTINUEVE PUNTO CINCUENTA Y NUEVE METROS CUADRADOS (329.59 m/c)

EN LINDES: Por el NORTE, en veintitrés (23.00) metros con el solar Doscientos veintiuno (221) de esta urbanización; por el SUR, en veintitres (23.00) metros con el solar Doscientos diecinueve (219) de esta urbanización; por el ESTE, en Catorce punto Treinta y tres (14.33) metros, con los solares Doscientos treinta y cuatro (234) y Doscientos treinta y cinco (235) de esta urbanización; por el OESTE, en Catorce punto Treinta y tres (14.33) metros con la Calle Veinticuatro (24) de esta urbanización.

El inmueble antes descrito contiene una casa de vivienda de hormigón y bloques de hormigón de una sola planta con marquesina y balcón modelo sencillo construido de acuerdo con los planos y especificaciones aprobados por la Administración de Hogares de Agricultores del Departamento de Agricultura Federal, otras agencias gubernamentales y el COMPRADOR".

Plaintiff's mortgage was recorded at page 21 of volume 171 of Salinas, property 6217, first inscription, at the Property Registry of Guayama, Puerto Rico.

a) Said public sale shall be had at the office of the Marshal for Superior Court of Puerto Rico, Guayama Part, in accordance with 28 U.S.C. 2001.

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Page 3

b) Notice of Sale shall be published once a week for at least four (4) weeks prior to the sale in at least one newspaper of general circulation in accordance with 28 U.S.C. 2002.

c) The amount of \$37,300.00 shall serve as the minimum bid for the first public sale. Should the first public sale fail to procure an award or adjudication, two-thirds of the aforementioned amount shall serve as the minimum bid for the second sale. Should there be no award or adjudication at the second public sale, the basis for the third sale shall be one-half of the amount specified as the minimum bid for the first public sale. Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to the amount owed if it is more.

d) The United States Marshal shall not accept in payment of the property to be sold anything but United States currency or certified checks in his name, except in case the property is sold and adjudicated to the plaintiff, in which case the amount of the bid made by said plaintiff shall be credited and deducted from its credit; said plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness when remaining unsatisfied.

e) All junior lienholders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to their respective liens.

f) The United States Marshal may, either personally or by some person designated by him to act in his name and his authority, adjourn the sale from time to time, without further publication, but only by order of this Court.

g) Upon the confirmation of said sale by this Court the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

h) The purchaser shall be entitled to the delivery of the property sold and its physical possession and the United States Marshal may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law.

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i) The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED at San Juan, this 17<sup>th</sup> day of March, 2006.

/s/ Hector M. Laffitte  
UNITED STATES DISTRICT JUDGE"

THEREFORE, you as said Marshal of the United States District Court for the District of Puerto Rico are hereby ordered to proceed by virtue of this Writ of Execution and in compliance with the order copied above, according to law, in order to execute the judgment entered in this case against the defendant.

In San Juan, Puerto Rico, this 30th day of March,  
2006.

FRANCES RIOS DE MORAN, Clerk  
United States District Court  
For The District of Puerto Rico

By: Scheda Gutierrez  
Deputy Clerk

